

SEVENTY-SECOND DAY

St. Paul, Minnesota, Monday, March 19, 1990

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mrs. Lantry imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Rosanna Walker.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Davis	Johnson, D.J.	Merriam	Ramstad
Anderson	Decker	Knaak	Metzen	Reichgott
Beckman	DeCramer	Knutson	Moe, D.M.	Renneke
Belanger	Dicklich	Kroening	Moe, R.D.	Samuelson
Benson	Diessner	Laidig	Morse	Schmitz
Berg	Flynn	Langseth	Novak	Spear
Berglin	Frank	Lantry	Olson	Storm
Bernhagen	Frederick	Larson	Pariseau	Stumpf
Bertram	Frederickson, D.J.	Lessard	Pehler	Vickerman
Brandl	Frederickson, D.R.	Luther	Peterson, R.W.	Waldorf
Brataas	Freeman	Marty	Piepho	
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 13, 1990

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby

respectfully submitted to the Senate for confirmation as required by law:

Bruce Willis, 2940 Walnut Grove Ln., Plymouth, Hennepin County, has been appointed by me, effective March 14, 1990, for a term expiring the first Monday in January, 1992.

(Referred to the Committee on Elections and Ethics.)

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1947.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 15, 1990

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2116, 2305 and 2609.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1990

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2116: A bill for an act relating to nonprofit corporations; regulating amendments to the articles; requiring approval by the directors and members with voting rights; amending Minnesota Statutes 1989 Supplement, section 317A.133, subdivision 2.

Referred to the Committee on Judiciary.

H.F. No. 2305: A bill for an act relating to agriculture; providing for light butter; amending Minnesota Statutes 1988, section 32.471, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 32.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2477.

H.F. No. 2609: A bill for an act relating to capital improvements; providing for emergency capital expenses at Inver Hills Community College; authorizing sale of state bonds; appropriating money.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1850: A bill for an act relating to housing; establishing a procedure for the allocation of low-income housing tax credits; amending Minnesota Statutes 1988, sections 462A.221, by adding subdivisions; 462A.222, subdivisions 2, 3, and by adding subdivisions; and 462A.223, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2541: A bill for an act relating to real property; providing for filing and recording of maps or plats for proposed rights-of-way by local governing bodies; proposing coding for new law in Minnesota Statutes, chapter 505.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 2384: A bill for an act relating to insurance; regulating coverages under Medicare supplement plans; requiring insurers to submit claims experience and earned premiums data; amending Minnesota Statutes 1988, 62A.36, by adding a subdivision; Minnesota Statutes 1989 Supplement, 62A.31, subdivision 2; 62A.315; and 62A.316.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1988, section 62A.17, subdivision 6, is amended to read:

Subd. 6. [CONVERSION TO INDIVIDUAL POLICY.] A group insurance policy that provides posttermination or layoff coverage as required by this section shall also include a provision allowing a covered employee, surviving spouse, or dependent at the expiration of the posttermination or layoff coverage provided by subdivision 2 to obtain from the insurer offering the group policy or group subscriber contract, at the employee's, spouse's, or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual policy of insurance or an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, and a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the insurer within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate premium. The required conversion contract must treat pregnancy the same as any other covered illness under the conversion contract. A health maintenance contract issued by a health maintenance organization that provides posttermination or layoff coverage as required by this section shall also include a provision allowing a former employee, surviving spouse, or

dependent at the expiration of the posttermination or layoff coverage provided in subdivision 2 to obtain from the health maintenance organization, at the former employee's, spouse's, or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual health maintenance contract. Effective January 1, 1985, enrollees who have become nonresidents of the health maintenance organization's service area shall be given the option, to be arranged by the health maintenance organization, of a number three qualified plan, a number two qualified plan, or a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3. This option shall be made available at the enrollee's expense, without further evidence of insurability and without interruption of coverage.

A policy providing reduced benefits at a reduced premium rate may be accepted by the employee, the spouse, or a dependent in lieu of the optional coverage otherwise required by this subdivision.

The individual policy or contract shall be renewable at the option of the individual as long as the individual is not covered under another qualified plan as defined in section 62E.02, subdivision 4, ~~up to age 65 or to the day before the date of eligibility for coverage under title XVIII of the Social Security Act, as amended.~~ Any revisions in the table of rate for the individual policy shall apply to the covered person's original age at entry and shall apply equally to all similar policies issued by the insurer.

Sec. 2. Minnesota Statutes 1988, section 62A.21, subdivision 2b, is amended to read:

Subd. 2b. [CONVERSION PRIVILEGE.] Every policy described in subdivision 1 shall contain a provision allowing a former spouse and dependent children of an insured, without providing evidence of insurability, to obtain from the insurer at the expiration of any continuation of coverage required under subdivision 2a or sections 62A.146 and 62A.20, conversion coverage providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the insurer within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate premium. A policy providing reduced benefits at a reduced premium rate may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual policy shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, ~~up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended.~~ Any revisions in the table of rate for the individual policy shall apply to the former spouse's original age at entry, and shall apply equally to all similar policies issued by the insurer."

Page 3, after line 32, insert:

"Nothing in this section prohibits the plan from requiring that services be received from providers designated as preferred providers or participating providers in order to receive coverage under optional benefit riders.

Sec. 6. Minnesota Statutes 1988, section 62A.36, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM LOSS RATIOS.] Notwithstanding the provisions of section 62A.02, subdivision 3, relating to loss ratios, medicare supplement policies shall be ~~expected~~ *required* to return to Minnesota policyholders in the form of aggregate benefits under the policy, ~~as estimated for the entire period for which rates are computed to provide coverage each year excluding the year of issuance and the first year thereafter, on the basis of incurred claims experience and earned premiums for such period in Minnesota and in accordance with accepted actuarial principles and practices:~~

(a) At least 75 percent of the aggregate amount of premiums collected in the case of group policies, and

(b) At least 65 percent of the aggregate amount of premiums collected in the case of individual policies.”

Page 3, line 35, delete “Subdivision” and insert “Subd.”

Page 4, line 4, after “collected” insert “and losses incurred”

Page 4, line 19, after the period, insert “*The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.*”

Sec. 8. Minnesota Statutes 1988, section 62A.36, is amended by adding a subdivision to read:

Subd. 1b. [PENALTIES.] Each sale of a policy that does not comply with the loss ratio requirements of this section is an unfair or deceptive act or practice in the business of insurance and is subject to the penalties in sections 72A.17 to 72A.32.

Sec. 9. Minnesota Statutes 1988, section 62C.142, subdivision 2, is amended to read:

Subd. 2. [CONVERSION PRIVILEGE.] Every subscriber contract, other than a contract whose continuance is contingent upon continued employment or membership, which contains a provision for termination of coverage of the spouse upon dissolution of marriage shall contain a provision allowing a former spouse and dependent children of a subscriber, without providing evidence of insurability, to obtain from the corporation at the expiration of any continuation of coverage required under subdivision 2a or section 62A.146, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse, an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the corporation within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A subscriber contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual subscriber contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, ~~up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended.~~ Any

revisions in the table of rate for the individual subscriber contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the corporation.

Sec. 10. Minnesota Statutes 1988, section 62D.101, subdivision 2, is amended to read:

Subd. 2. [CONVERSION PRIVILEGE.] Every health maintenance contract, as described in subdivision 1 shall contain a provision allowing a former spouse and dependent children of an enrollee, without providing evidence of insurability, to obtain from the health maintenance organization at the expiration of any continuation of coverage required under subdivision 2a or sections 62A.146 and 62D.105, an individual health maintenance contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the health maintenance organization within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual health maintenance contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the health maintenance organization."

Page 4, line 21, delete "3" and insert "5, 7, and 8"

Page 4, line 22, delete everything after the period and insert "*The first supplement to an annual report required to be filed under section 6 must be for annual statements required to be submitted on or after January 1, 1991.*"

Page 4, delete line 23

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "making changes in policy conversions to conform to federal law;"

Page 1, line 3, after the semicolon, insert "clarifying regulatory authority"

Page 1, line 5, after the first comma, insert "sections 62A.17, subdivision 6; 62A.21, subdivision 2b;" and delete "by adding a"

Page 1, line 6, after "subdivision" insert "1, and by adding subdivisions" and after the semicolon, insert "62C.142, subdivision 2; 62D.101, subdivision 2;"

Page 1, line 7, before "62A.31" insert "sections"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 2421: A bill for an act relating to elections; presidential primary; changing the primary date; changing the requirements for being a candidate at the primary; allowing voters to prefer uncommitted delegates; allowing write-in votes; providing for voter receipt of ballots; eliminating the provision that the primary winner is the party's endorsed candidate; changing the apportionment of party delegates; requiring provision of certain information to interested persons; amending Minnesota Statutes 1989 Supplement, sections 207A.01; 207A.02, subdivision 1; 207A.03; and 207A.06; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1989 Supplement, section 207A.05.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 204B.06, is amended by adding a subdivision to read:

Subd. 1a. [PRESIDENTIAL PRIMARY AFFIDAVIT.] An affidavit of candidacy for the presidential primary shall include the candidate's name, address, office sought, and the candidate's political party or principal in three words or less. The affidavit shall include a statement that the candidate satisfies the federal constitutional requirements for holding office.

Sec. 2. Minnesota Statutes 1988, section 204B.11, subdivision 2, is amended to read:

Subd. 2. [PETITION IN PLACE OF FILING FEE.] At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) For a state office voted on statewide, or for *president of the United States, or United States senator*, 2,000;

(b) For a congressional office, 1,000;

(c) For a county or legislative office, or for the office of district, county or county municipal judge, 500; and

(d) For any other office which requires a filing fee as prescribed by law, municipal charter or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 3. Minnesota Statutes 1989 Supplement, section 207A.01, is amended to read:

207A.01 [PRESIDENTIAL PRIMARY.]

A presidential primary must be held on the ~~fourth~~ first Tuesday in ~~February~~ March of each year in which a president and vice president of the United States are to be nominated and elected, at which the voters of this state may express their preference among the candidates of the major political party of their choice, for that party's nomination to be president of the United States *or may vote for uncommitted delegates to the national party convention*. For the purposes of sections 207A.01 to 207A.07, "political party" or "party" means a political party as defined in section 200.02, subdivision 7.

Sec. 4. Minnesota Statutes 1989 Supplement, section 207A.02, is amended to read:

207A.02 [CANDIDATES ON BALLOT.]

Subdivision 1. [REQUIRED LISTING.] The following individuals must be listed as candidates on the appropriate major political party presidential ballot with a separate ballot for each major political party:

(1) any individual ~~whose name has been entered as a candidate for the nomination of a major political party in presidential primaries in two or more other states during the same year who files an affidavit of candidacy pursuant to section 204B.06 and submits the appropriate filing fee or petition in place of filing fee pursuant to section 204B.11; and~~

(2) any individual nominated as a candidate for the presidential nomination of a political party by a petition *submitted not later than ten weeks before the primary* and bearing the names of ~~2,000~~ 1,000 eligible voters from each congressional district.

In addition, each major political party's ballot must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, and a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot.

Subd. 1a. [TIME FOR FILING; FEE.] The period for filing an affidavit of candidacy for the presidential primary shall commence 16 weeks before the primary and close 14 weeks before the primary. The filing fee shall be \$500. The period for signing nominating petitions shall commence 16 weeks before the primary and close ten weeks before the primary.

Subd. 2. [TENTATIVE LISTING ANNOUNCING CANDIDATES.] ~~A tentative determination of the Candidates to be listed who have filed an affidavit of candidacy pursuant to subdivision 1, clause (1), for each political party on the presidential primary ballot must be announced by the secretary of state ten weeks before the primary the day after filings close for the purpose of giving voters sufficient time to nominate unlisted other candidates by petition.~~

Subd. 3. [ANNOUNCEMENT.] The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than ~~six~~ eight weeks before the presidential primary. *The secretary of state shall certify to the county auditor of each county the names of all candidates in the presidential primary at least seven weeks before the primary.*

Subd. 4. [NOTIFICATION.] *Not later than three days after the last day*

for filing a nominating petition pursuant to subdivision 1, clause (2), the secretary of state shall notify each individual whose name is to be listed on the presidential primary ballot that the individual's name will be listed unless the individual submits an affidavit stating that the individual is not a candidate for the presidential nomination, does not intend to become a candidate, and would not accept the nomination. The affidavit must be submitted to and received by the secretary of state no later than five eight weeks before the presidential primary.

Sec. 5. Minnesota Statutes 1989 Supplement, section 207A.03, is amended to read:

207A.03 [PRESIDENTIAL PRIMARY; HOW CONDUCTED.]

Subdivision 1. [GENERAL RULE.] Except as otherwise provided in sections 207A.01 to 207A.07, the presidential primary must be ~~announced, held, and~~ conducted, and the results canvassed and returned in the manner provided by law for ~~other primaries and in accordance with the general election laws of the state, as applicable~~ the state primary. If a municipality which uses lever voting machines or an electronic voting system determines that the use of the machines or voting system would not be practical in the presidential primary, the municipality may use a paper ballot for the presidential primary.

Subd. 2. [VOTER CERTIFICATION; BALLOT.] An individual seeking to vote at the presidential primary shall request the ballot of the party for whose candidates the individual wishes to vote. The voter registration certificate or duplicate registration file for the presidential primary shall list the names of the political parties appearing on the ballot at the presidential primary. Before receiving a ballot, a voter shall sign the voter's certificate or duplicate registration file and shall place a check mark beside the name of the political party whose ballot the voter requested.

Sec. 6. Minnesota Statutes 1989 Supplement, section 207A.04, is amended to read:

Subdivision 1. [NOTICE OF FILING PERIOD.] ~~Before December 4 of the year~~ Twenty weeks before a presidential primary is to be held, the secretary of state shall provide notice to the county auditor of each county of the date of the presidential primary. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date of the presidential primary to each municipal clerk in the county.

Subd. 2. [NOTICE OF PRIMARY.] At least 15 days before the date of the presidential primary, each municipal clerk shall post a public notice stating the date of the presidential primary, the location of each polling place in the municipality, and the hours during which the polling places in the municipality will be open. The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.

Subd. ~~2-~~ 3. [BALLOT PREPARATION.] The secretary of state shall prepare paper ballots, absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary statements for use in the presidential primary. The ballots must be printed on white paper with a separate ballot for the names of the candidates of each political party.

Sec. 7. Minnesota Statutes 1989 Supplement, section 207A.06, subdivision 1, is amended to read:

Subdivision 1. [APPORTIONMENT OF VOTES.] The delegates to the national convention of each political party appearing on the presidential primary ballot *who are chosen on the basis of their support for particular presidential candidates* must be apportioned among the various candidates of that party receiving votes in the presidential primary, in proportion to their respective vote totals.

The secretary of state shall certify to the state chairperson of each political party appearing on the presidential primary ballot the number of delegates to which each presidential candidate is entitled.

Sec. 8. Minnesota Statutes 1989 Supplement, section 207A.06, subdivision 2, is amended to read:

Subd. 2. [CHOSEN DELEGATES.] Delegates to the national convention of each political party appearing on the presidential primary ballot must be chosen by the state convention *or congressional district convention* of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention *or congressional district convention* shall promptly notify the secretary of state of the names of the delegates to the national convention chosen as supporters of each presidential candidate. ~~Only supporters of candidates whose names appeared on the presidential primary ballot may be chosen by the state convention of that party to be delegates to the national convention. The secretary of state shall promptly notify each presidential candidate of the names of the delegates to the national convention chosen as supporters of that candidate. If the presidential candidate determines that the delegates chosen as supporters by the state convention are not in fact committed to the candidate's candidacy, the candidate shall, within ten days of receiving the notification from the secretary of state, advise the secretary of state of the names of those delegates to whom the candidate objects on those grounds and shall name as substitute delegates any other individuals who are committed to the candidacy. The determination and selection by the presidential candidate shall take precedence over the decision of the state convention and is final. The secretary of state shall promptly notify the secretary of the state convention of the affected political party of the action by a presidential candidate.~~

Sec. 9. [207A.08] [INFORMATION ON PARTY CHOICE.]

Notwithstanding section 204C.18, subdivision 1, or other law to the contrary, a person entitled to inspect the duplicate registration file or receive a copy of a current precinct list under section 201.091, must also be informed of the party choice of any voter who voted in the most recent presidential primary under chapter 207A.

Sec. 10. [207A.09] [RULEMAKING AUTHORITY.]

The secretary of state shall adopt rules to implement the provisions of chapter 207A as follows:

- (1) to implement the provisions of section 9;*
- (2) to determine a method for verifying the signatures on nominating petitions and petitions in place of filing fees for the presidential primary;*
- (3) to determine the format of the presidential primary ballots; and*
- (4) to determine the manner of paying or reimbursing the costs to the*

counties of conducting the presidential primary.

Sec. 11. [REGIONAL PRIMARY STUDY.]

The secretary of state shall study the feasibility of Minnesota's joining any other state to hold a regional presidential primary and shall report conclusions to the chairs of the general legislation, veterans affairs and gaming committee in the house of representatives and the elections and ethics committee in the senate by February 1, 1991.

Sec. 12. [REPEALER.]

Minnesota Statutes 1989 Supplement, section 207A.05, is repealed."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing procedures for conducting the primary;"

Page 1, line 11, after "Statutes" insert "1988, sections 204B.06, by adding a subdivision; 204B.11, subdivision 2; Minnesota Statutes"

Page 1, lines 11 and 12, delete ", subdivision 1"

Page 1, line 12, before "and" insert "207A.04;" and after "207A.06" insert ", subdivisions 1 and 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1986: A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1988, chapters 367, as amended; and 368, as amended.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2072: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1988, sections 11A.14, subdivision 5; 15.0597, subdivision 1; 15.50, subdivisions 2 and 5; 16B.53, subdivision 3; 62C.141; 115.49, subdivision 4; 163.06, subdivision 6; 197.55; 232.21, subdivision 7; 256B.69, subdivision 6; 257.41; 273.124, subdivision 13; 273.1315; 333.135; 336.9-105; 353A.02, subdivision 14; 354.05, subdivision 23; 354.66, subdivision 7; 412.701; 412.711; 459.07; 469.155, subdivision 12; 481.12; 626.556, subdivision 10c; Minnesota Statutes 1989 Supplement, sections 18.022, subdivision 2; 62A.045; 105.41, subdivision 1a; 115C.03, subdivision 9; 124.86, subdivision 2; 127.455; 144.6501, subdivision 10; 168.013, subdivision 1a; 168.33, subdivision 2; 176.421, subdivision 7; 204C.361; 236.02, subdivision 7; 245.462, subdivision 4; 256E.08, subdivision 5; 256H.08; 256H.22, subdivisions 2 and 3; 260.185, subdivision 1; 270B.12,

subdivision 7; 273.119, subdivision 1; 319A.20; 336.2A-104; 352.01, subdivision 2b; 352.72, subdivision 1; 352B.30, subdivision 1; 383D.41, subdivisions 1 and 2; 422A.05, subdivision 2a; 469.129, subdivision 1; 501B.61, subdivision 1; 563.01, subdivision 3; 609.605, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 121.904, subdivision 4a; 245A.14, subdivision 6; and 275.50, subdivision 5; and Laws 1989, chapters 329, article 8, section 15, subdivision 2; 332, section 3, subdivision 3; repealing Minnesota Statutes 1988, sections 11A.19, subdivisions 1 to 8; 43A.192; Minnesota Statutes 1989 Supplement, sections 11A.19, subdivision 9; and 226.01 to 226.06.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2355: A bill for an act relating to statutes of limitations; establishing a three-year time limit to bring an action for penalty or forfeiture for violation of certain environmental statutes; amending Minnesota Statutes 1989 Supplement, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 575.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 1955: A bill for an act relating to housing; changing the definition of designated home ownership area for the Minnesota rural and urban homesteading program; amending Minnesota Statutes 1989 Supplement, section 462A.057, subdivision 2.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1936: A bill for an act relating to public employment; limiting the exclusion of graduate assistants from coverage under the public employment labor relations act; amending Minnesota Statutes 1988, section 179A.03, subdivision 14.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 2277: A bill for an act relating to human services; creating a new chapter establishing a unified process for the handling of civil, criminal, and financial recovery matters in all human service programs; amending Minnesota Statutes 1988, sections 256.73, subdivision 6; and 393.07, subdivision 10; proposing coding for new law as Minnesota Statutes, chapter 256J; repealing Minnesota Statutes 1988, sections 256.98; 256.981; 256.982; and 256D.14.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [256.984] [ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.]

Subdivision 1. [HEARING AUTHORITY.] A local agency may elect to initiate an administrative fraud disqualification hearing for individuals accused of wrongfully obtaining assistance or intentional program violations in the AFDC or food stamp programs, instead of a criminal prosecution under section 256.98 or other criminal laws. The hearing is subject to the requirements of section 256.045.

Subd. 2. [COMBINED HEARING.] The referee may combine a fair hearing and administrative fraud disqualification hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings apply.

Sec. 2. [256.985] [DISQUALIFICATION PROVISIONS.]

Subdivision 1. [DISQUALIFICATION FROM PROGRAM.] (a) Any person found by clear and convincing evidence in an administrative hearing to have wrongfully obtained assistance in the AFDC or food stamp programs shall be disqualified from that assistance program and the needs of that individual shall not be taken into consideration in determining the grant or assistance level. The period of disqualification shall be as follows:

- (1) for a first offense, six months;*
- (2) for a second offense, 12 months; and*
- (3) for a third or subsequent offense, permanent disqualification.*

The disqualification period shall begin within 45 days of the date on which the fraud determination is made, unless the individual is not a current participant in the program. If the individual is not a current participant in the program, the disqualification period shall begin when the individual has applied and been determined eligible for benefits.

(b) Any period for which sanctions are imposed is effective, without possibility of administrative stay, until the finding upon which the sanctions were imposed is reversed by a court of competent jurisdiction. The period for which sanctions are imposed is not subject to review.

(c) The commissioner shall adopt rules necessary to implement and operate administrative fraud disqualification hearings.

Subd. 2. [INELIGIBILITY FOR GENERAL ASSISTANCE.] No person disqualified from any federally aided assistance program shall be eligible for general assistance during the period covered by the disqualification sanction.

Sec. 3. Minnesota Statutes 1988, section 256.98, subdivision 7, is amended to read:

Subd. 7. [DIVISION OF RECOVERED AMOUNTS.] *If the state is responsible for the recovery, the amounts recovered shall be paid to the*

appropriate units of government as provided under section 256.863. If the recovery is directly attributable to a county, the county may retain ~~one-half~~ 75 percent of the nonfederal share of any recovery from a recipient or the recipient's estate. This subdivision does not apply to recoveries from medical providers or to recoveries involving the department of human services, surveillance and utilization review division, state hospital collections unit, and the benefit recoveries division.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1990, and apply to assistance wrongfully obtained after that date. Section 3 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; authorizing fraud disqualification hearings for the AFDC and food stamps programs; setting disqualification periods; increasing county recoveries; amending Minnesota Statutes 1988, section 256.98, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 256."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1937: A bill for an act relating to health; establishing standards for safe levels of lead; requiring education about lead exposure; requiring lead assessments of certain residences; establishing standards for lead abatement; requiring rules; amending Minnesota Statutes 1988, section 116.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1989 Supplement, sections 144.851 to 144.862.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 24, delete "analyses" and insert "results"

Page 3, line 31, delete everything after "address" and insert "of the patient."

Page 4, line 35, delete "in" and insert "at"

Page 5, line 4, before "interior" insert "lead-containing"

Page 6, line 4, delete everything after the period

Page 6, delete line 5

Pages 7 and 8, delete section 8 and insert:

"Subd. 4. [EXCEPTION TO ABATEMENT REQUIREMENT.] *Notwithstanding the requirement in Minnesota Rules, part 4620.2300 [Emergency], subpart 2, item B, for abatement of intact paint that is in violation of lead standards in part 4620.2100 [Emergency], the commissioner shall not require abatement of intact lead-based paint that is not actually accessible to children as a chewable or lead-dust producing surface or as a source of actual lead exposure."*

Page 8, line 35, delete "9" and insert "8"

Page 9, delete section 10

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

H.F. No. 2149: A bill for an act relating to port authorities; expanding the range of titles for certain offices; amending Minnesota Statutes 1988, section 469.051, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

H.F. No. 1893: A bill for an act relating to local government; authorizing certain towns to contribute to economic development organizations.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1520: A bill for an act relating to human services; creating a technology assistance review panel; requiring a study of the feasibility of developing a shared risk pool for technology-assisted persons; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [256.9691] [TECHNOLOGY ASSISTANCE REVIEW PANEL.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall establish a technology assistance review panel to resolve disputes over the provision of health care benefits for technology-assisted persons who receive benefits under a policy or plan of health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, a subscriber contract of a nonprofit health service plan corporation regulated under chapter 62C, or a certificate of coverage of a health maintenance organization regulated under chapter 62D.

Subd. 2. [DEFINITION.] For purposes of this section, "technology-assisted person" means a person who:

(1) has a chronic health condition;

(2) requires the routine use of a medical device to compensate for the loss of a life-sustaining body function; and

(3) requires ongoing care or monitoring by trained personnel on a daily

basis.

Subd. 3. [STEERING COMMITTEE.] The commissioner shall appoint a seven-member steering committee to appoint the review panel members, develop policies and procedures for the review process, including the replacement of review panel members, serve as a liaison between the regulatory agencies and the review panel, and provide the review panel with technical assistance. The steering committee shall consist of representatives of the departments of health, human services, and commerce; a health maintenance organization regulated under chapter 62D; an insurer regulated under chapter 62A or a health service plan corporation regulated under chapter 62C; an advocacy organization representing persons who are technology-assisted; and a tertiary care center that serves technology-assisted persons. The steering committee shall not be reimbursed for any expenses as defined under section 15.0575, subdivision 3. The steering committee shall dissolve no later than June 30, 1992.

Subd. 4. [COMPOSITION OF REVIEW PANEL.] (a) The review panel shall be appointed by the members of the steering committee that do not represent state agencies and must include:

(1) a medical director from an insurer regulated under chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;

(2) a contract benefits analyst from an insurer regulated under chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;

(3) a consumer board member of an insurer regulated under chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;

(4) a physician with expertise in providing care for technology-assisted persons in a nonhospital setting;

(5) a registered nurse with expertise in providing care for technology-assisted persons in a nonhospital setting; and

(6) a consumer of health care benefits regulated under chapter 62A, 62C, or 62D who is a technology-assisted person or the parent or guardian of a technology-assisted person.

(b) The term of service for review panel members is three years except that, for the initial appointment, the steering committee shall establish procedures to assure that the terms of the members are staggered. Members are eligible to serve two consecutive terms.

Subd. 5. [AUTHORITY.] The review panel may review cases involving disputes over the provision of contract benefits regarding discharge planning, home health care benefits eligibility and coverage, or changes in the level of home health care services for technology-assisted persons. The review may be requested by a third-party payor, a health or social service professional, or a parent or guardian of a technology-assisted child or a technology-assisted adult. For the case to be eligible for review by the panel, the parent or guardian of a technology-assisted child or technology-assisted adult must consent to the review. The review panel may not review cases involving discharge to a long-term care facility or cases involving coverage by title 18 or 19 of the United States Code. The review panel may seek advice from experts outside the membership of the panel as

necessary. The internal grievance process within an insurer, health service plan corporation, or health maintenance organization must be exhausted before requesting a review by the review panel. The recommendations of the review panel are not binding. If, following a review by the review panel, a complaint is filed with the appropriate state agency regarding the same subject matter, the findings of the review panel must be made available to the agency upon request and with the consent of the parent or guardian of a technology-assisted child or technology-assisted adult. The information must be maintained by the agency as nonpublic information under chapter 13. The steering committee may establish policies for reimbursement of expenses for review panel members consistent with the provisions of section 15.0575, subdivision 3.

Subd. 6. [CONFIDENTIALITY.] All proceedings of the review organization are nonpublic under chapter 13. All data, information, and findings acquired and developed by the review panel in the exercise of its duties or functions must be held in confidence, may not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review panel or as described in subdivision 5, and are not subject to subpoena or discovery. Members of the review panel may not disclose what transpired at a meeting of the review panel except to the extent necessary to carry out one or more of the purposes of the review panel. The proceedings and record of the review panel are not subject to discovery or introduction into evidence in any civil action against a health care professional or insurer, health service plan corporation, or health maintenance organization, arising out of the matter or matters that are the subject of consideration by the review panel.

Subd. 7. [LIMITATION ON LIABILITY FOR MEMBERS OF STEERING COMMITTEE AND REVIEW PANEL.] A person who is a member of, or who acts in an advisory capacity to or who gives counsel or services to, the steering committee or review panel is not liable for damages or other relief in any action brought by a person or persons whose case has been reviewed by the panel, by reason of the performance of any duty, function, or activity of the review panel, unless the performance of the duty, function, or activity was motivated by malice toward the person affected. A member is not liable for damages or other relief in any action by reason of the performance of the member of any duty, function, or activity as a member of the steering committee or review panel or by reason of any recommendation or action of the review committee when the member acts in the reasonable belief that the action or recommendation is warranted by the facts known to the member or review panel after reasonable efforts to ascertain the facts.

Sec. 2. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1991, for the purpose of operating the technology assistance review panel. The commissioner may contract with an organization or entity to provide administrative support services for the review panel.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; creating a technology assistance review panel; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 2026: A bill for an act relating to health; authorizing the creation of a technical advisory task force for emergency dispatch services; requiring the submission of a multidisciplinary report on training needs of emergency dispatchers operating within 911 systems.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ADVISORY TASK FORCE FOR EMERGENCY DISPATCH SERVICES.]

Subdivision 1. [PURPOSE.] The legislature requires the assistance of persons, organizations, and agencies involved in the regulation, management, and dispatching of emergency medical, fire protection, and law enforcement services in preparing recommendations on:

(1) appropriate skill levels and related training needs of emergency dispatchers operating within the 911 system;

(2) the cost of assuring that these skill levels are met and retained by all appropriate personnel; and

(3) the appropriate roles of state and local government in the attainment of recommended skill levels.

Subd. 2. [DISPATCHING SKILLS TASK FORCE.] Not later than 60 days following the effective date of this section, the commissioners of administration, health, and public safety shall jointly appoint a multidisciplinary task force to prepare a report and recommendations concerning the appropriate skill levels of emergency dispatching personnel operating within the 911 system. The task force shall be composed of one representative each of the house of representatives, the senate, the department of administration, the department of health, the department of public safety, Minnesota Telephone Association, Inc., Associated Public Safety Communications Officers, Inc., the Minnesota state sheriffs' association, the Minnesota chiefs of police association, the Minnesota state fire chiefs association, the law enforcement dispatchers association, the Minnesota police and peace officers association, the Minnesota association of emergency medical technicians, the Minnesota chapter of the American college of emergency physicians, the Minnesota ambulance association, the association of Minnesota counties, the league of Minnesota cities, and the governing body of a regional emergency medical service system designated under Minnesota Statutes, section 144.8093. In addition, the task force shall have one member who is a member of the general public who has no involvement in the management or the provision of 911 or other emergency medical or public safety services and one member who is a professional, full-time 911 dispatcher who is experienced in both receiving 911 calls

and dispatching emergency medical and public safety services or relaying 911 calls to the appropriate emergency medical and public safety agencies. Finally, the task force shall have two members who are responsible for operating a public safety answering point, one of whom is nominated by the metropolitan 911 telephone board and one of whom is nominated by the county board of a county outside the metropolitan area as defined in Minnesota Statutes, section 403.02, subdivision 2.

Subd. 3. [MEETINGS.] The task force shall hold at least one-half of its meetings in areas outside the metropolitan area as defined in section 403.02, subdivision 2.

Subd. 4. [REPORT.] Not later than January 1, 1991, the dispatching skills task force shall complete a study of existing dispatching operations in Minnesota and other states it determines are relevant and submit a report and recommendations to the legislature on the following:

- (1) the basic and applied dispatching skills needed in Minnesota, particularly in nonurban areas;*
- (2) course content and training strategies to meet the needs identified;*
- (3) the appropriate method of certifying skill levels and of assuring that minimum skill levels are met or exceeded by all dispatchers receiving requests through the 911 system;*
- (4) the fiscal needs of state and local government to assure that skill levels are reached and retained, including specific recommendations regarding appropriate state and local shares in meeting these needs; and*
- (5) proposed legislation and administrative actions needed to implement task force recommendations.*

Subd. 5. [STAFFING.] The commissioners of administration, health, and public safety shall jointly assure that the needs of the dispatching skills task force for staff support are met.

Subd. 6. [EXPENSES.] The commissioners of administration, health, and public safety shall assure that expenses for persons serving on the dispatching skills task force who are not state employees are reimbursed according to Minnesota Statutes, section 15.059, subdivision 6.

Sec. 2. [REPEALER.]

Section 1 is repealed effective July 1, 1991.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2297: A bill for an act relating to taxation; property; requiring equal access to food or beverage services or facilities for golf clubs under open space property tax treatment; amending Minnesota Statutes 1989 Supplement, section 273.112, subdivision 3.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 27, before the period, insert "*at all times*" and after the period, insert "*Nothing in this paragraph shall be construed to require service or access to facilities to persons under the age of 21 years or require any act which would violate law or ordinance regarding sale, consumption, or regulation of alcoholic beverages.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1674: A bill for an act relating to agriculture; providing grasshopper control; authorizing the commissioner to exempt certain lands from grasshopper control; exempting certain persons from losses relating to grasshopper control; clarifying when public utilities are subject to grasshopper control; providing for notices for control and approval of grasshopper control costs; authorizing levies; appropriating money; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, before the period, insert ", 1990"

Page 2, line 1, delete everything after the first comma and insert "1990."

Page 2, delete line 2

Page 10, line 16, after "control" insert "; provided that the amount of the expenditure for which a county may levy is net of any reimbursement paid to the county under section 6, subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1759: A bill for an act relating to controlled substances; allowing prosecution in any county of controlled substance offenses involving sales of amounts aggregated over a 120-day period; providing that cocaine base is weighed as a mixture for purposes of first, second, and third degree controlled substance crimes; prohibiting the importing of controlled substances into the state; requiring the reporting of transactions involving substances that are precursors to controlled substances; providing for administrative forfeiture of dangerous weapons found in proximity to controlled substances; providing for representation by the public defender of persons filing for judicial review of a forfeiture; providing that period for filing for judicial review of a forfeiture begins when an interpreter is provided for persons handicapped in communication; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; requiring adoption of day-fine system by each judicial district; providing for an intensive supervision program; creating pilot programs to require drug and alcohol testing as a condition of probation; creating pilot programs to provide

chemical dependency treatment services in juvenile and adult jails and correctional facilities; creating pilot programs to require chemical dependency assessments for drug offenders; prohibiting possession of controlled substances in motor vehicles; appropriating money; amending Minnesota Statutes 1988, sections 169.122; 241.26, subdivision 2; 244.05, by adding a subdivision; 260.151, subdivision 1; 609.035; 609.10; 609.135, subdivision 1, and by adding a subdivision; 609.5314, subdivisions 2 and 3; 611.14; 611.32; 626.556, subdivision 4; 631.40; Minnesota Statutes 1989 Supplement, sections 152.021; 152.022; 152.023, subdivision 2; 152.028, subdivision 2, and by adding a subdivision; 609.115, subdivision 1; 609.5314, subdivision 1; 626.556, subdivision 2; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; and 626.5562, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapters 152; 244; 290; and 299A; repealing Minnesota Statutes 1989 Supplement, section 152.027, subdivision 3.

Reports the same back with the recommendation that the bill amended as follows:

Page 11, delete section 13

Page 26, line 21, delete “30, and 33” and insert “29, and 32”

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 43, delete “290;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2018: A bill for an act relating to lawful gambling; defining lawful purposes for expenditures of gambling profits; establishing licensing qualifications for organizations and manufacturers; requiring organizations to report monthly on expenditures and contributions of gambling profits; authorizing the gambling control board to require recipients of contributions of gambling profits to register with the board; authorizing summary suspension of gambling licenses for failure to file tax returns; authorizing a limited number of video pull-tab devices and establishing standards and requirements for them; requiring inspection and testing of gambling equipment; requiring permits for gambling premises; requiring gambling managers to be licensed; requiring that employees of organizations conducting lawful gambling be registered with the board; requiring local gambling taxes and prescribing uses for revenue therefrom; abolishing lawful gambling on July 1, 1993; amending Minnesota Statutes 1988, sections 349.12, subdivisions 10, 18, and by adding subdivisions; 349.16, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.211, by adding a subdivision; 349.212, subdivision 5; 349.2121, subdivisions 1 and 4a; 349.2123; 349.30, subdivision 2; 349.31; 349.32; 349.34; 349.35, subdivision 1; 349.36; 349.38; 349.39; 349.50, subdivision 8; 349.55; 609.75, subdivision 4; Minnesota Statutes 1989 Supplement, sections 299L.03, by adding a subdivision; 340A.410, subdivision 5; 349.12, subdivisions 12 and 15; 349.151, subdivision 4; 349.152, subdivision 2, and by adding subdivisions; 349.161, as amended; 349.162; 349.163, as amended;

349.164; 349.2121, subdivision 2; 349.2122; 349.213, subdivision 2; 609.75, subdivision 3; 609.761, subdivision 1; Minnesota Statutes Second 1989 Supplement, sections 349.12, subdivisions 11 and 19; 349.15; 349.212, subdivisions 1, 2, and 4; Laws 1989, First Special Session chapter 1, article 13, section 27; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1988, sections 349.11, as amended; 349.12, as amended; 349.13; 349.14; 349.15, as amended; 349.16, as amended; 349.161, as amended; 349.162, as amended; 349.163, as amended; 349.164, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.211; 349.212, as amended; 349.2121, as amended; 349.2122, as amended; 349.2123; 349.2124; 349.2125, as amended; 349.2127, as amended; 349.213, as amended; 349.214, subdivisions 1, 1a, 3, and 4; 349.22, as amended; 349.23; Minnesota Statutes 1989 Supplement, sections 349.151, subdivisions 1, 2, 4, 4a, and 5; 349.152; 349.153; 349.20; 349.21; 349.215; 349.2151; 349.2152; 349.216; 349.217; 349.2171; 349.218; 349.219; Minnesota Statutes Second 1989 Supplement, section 349.214, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 30, delete "*subdivision*" and insert "*subdivisions 1 and*"

Page 8, line 2, reinstate the stricken "55" and delete "60" and strike "less the tax"

Page 8, line 3, strike everything before "from"

Page 8, line 4, strike "taxes" and insert "tax"

Page 8, line 5, strike "subdivisions 1, 4, and" and insert "*subdivision*"

Page 23, line 10, delete "*past*" and insert "*last*"

Page 24, line 10, before "A" insert "(a)"

Page 24, after line 16, insert:

"(b) The flare of each deal of pull-tabs and tipboards sold by a manufacturer in Minnesota must have the Minnesota gambling stamp affixed. The flare, with the stamp affixed, must be placed inside the wrapping of the deal which the flare describes.

(c) Each pull-tab and tipboard flare must bear the following statement, printed in letters large enough to be clearly legible:

"Pull-tab (or tipboard) purchasers — This pull-tab (or tipboard) game is not legal in Minnesota unless:

— a Minnesota gambling stamp is affixed to this sheet, and

— the serial number handwritten on the gambling stamp is the same as the serial number printed on this sheet, and on the pull-tab (or tipboard) ticket you have purchased."

(d) The flare of each pull-tab and tipboard game must bear the serial number of the game, printed in numbers at least one-half inch high.

(e) The flare of each pull-tab and tipboard game must be imprinted at the bottom with a bar code which provides:

(1) the name of the game;

(2) the serial number of the game;

- (3) the name of the manufacturer;
- (4) the number of tickets in the deal;
- (5) the odds of winning each prize in the deal; and
- (6) any other information the board by rule requires.

The serial number included in the bar code must be the same as the serial number of the tickets included in the deal. A manufacturer who manufactures a deal of pull-tabs must affix to the outside of the box containing that game the same bar code which is imprinted at the bottom of a flare for that deal.

(f) No person may alter the bar code which appears on the outside of a box containing a deal of pull-tabs and tipboards. Possession of a box containing a deal of pull-tabs and tipboards which has a bar code different from the bar code of the deal inside the box is prima facie evidence that the possessor has altered the bar code on the box."

Page 38, line 9, after the period, insert "*The chip must be programmed to display on the video screen the unique serial number of the chip and a statement that the chip is to be sold only in Minnesota.*"

Page 42, after line 15, insert:

"Sec. 34. [349.174] [PULL-TABS; DEADLINE FOR USE.]

A deal of pull-tabs and tipboards received by an organization before September 1, 1989, must be put into play by that organization before September 1, 1990, unless the deal bears a serial number which allows it to be traced back to its manufacturer. An organization in possession on and after September 1, 1990, of a deal of pull-tabs and tipboards the organization received before September 1, 1989, may not put such a deal in play but must remove it from the organization's inventory and return it to the manufacturer."

Page 46, line 25, reinstate the stricken "Subd. 9. [" and reinstate the stricken "AUDIT; FILING REQUIREMENT.]"

Page 46, after line 26, insert "*The board may require an organization to have a*"

Page 46, line 27, reinstate the stricken language

Page 46, line 30, reinstate the stricken ". A complete, true, and correct copy"

Page 46, lines 31 and 32, reinstate the stricken language

Page 47, delete section 36 and insert:

"*Subd. 11. [INFORMATION MADE PART OF ORGANIZATION MINUTES.] A licensed organization which receives a copy of a written audit under subdivision 9, or an audit or compliance report prepared by an agency of the state, must place the audit report or compliance report in the minutes of the next meeting of the organization following receipt of the report. Copies of such minutes must be made available to all members of the organization upon request.*"

Page 47, line 22, strike "4" and insert "8"

Page 48, line 20, strike "4" and insert "8"

Page 49, line 12, strike "(b)" and insert "(a)"

Page 61, line 14, delete "349.19,"

Page 61, line 15, delete "subdivision 9,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 23 and 24, delete "349.211, by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1989: A bill for an act relating to motor vehicles; allowing tax-exempt license plates for vehicles used for driver education programs at nonpublic high schools; amending Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after the semicolon, insert "and"

Page 2, line 34, strike "public" and insert "political" and after "subdivision" insert ", or the nonpublic high school operating a driver education program."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 1770: A bill for an act relating to consumer protection; regulating membership travel contracts; providing a right to cancel; prescribing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1902: A bill for an act relating to agriculture; providing for uniformity of certain food rules with federal law; amending Minnesota Statutes 1989 Supplement, section 31.101, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 31.101, is amended by adding a subdivision to read:

Subd. 9. [FISHERY PRODUCTS RULES.] Federal regulations in effect on April 1, 1989, as provided by Code of Federal Regulations, title 50, parts 260 to 266, are incorporated as part of the fishery products rules

in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service. The rules may be amended by the commissioner under chapter 14.

Sec. 2. Minnesota Statutes 1989 Supplement, section 32.103, is amended to read:

32.103 [INSPECTION OF DAIRIES.]

(a) ~~At such time as~~ *times* the commissioner ~~may deem~~ *determines* proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk ~~or cream~~, and shall require the correction of all insanitary conditions and practices found ~~therein~~.

(b) ~~A refusal or physical threat, refusal,~~ *that prevents the completion of an inspection or neglect to obey any* a lawful direction of the commissioner, or the commissioner's agent, ~~given in~~ *while* carrying out ~~the provisions of this section;~~ *shall be deemed a misdemeanor* may result in the suspension of the offender's permit or certification. *The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.*

Sec. 3. Minnesota Statutes 1988, section 32.21, subdivision 3, is amended to read:

Subd. 3. [ADULTERATED MILK OR CREAM.] For purposes of this section and section 32.22, milk or cream is adulterated if:

- (1) milk is drawn in a filthy or unsanitary place;
- (2) milk is drawn from unhealthy or diseased cows;
- (3) milk is drawn from cows that are fed garbage or an unwholesome animal or vegetable substance;
- (4) milk is drawn from cows within 15 days before calving, or five days after calving;
- (5) milk or cream contains a substance that is not a normal constituent of the milk or cream, *as determined by laboratory procedures established by rule or except as allowed in this chapter;*
- (6) milk contains water in excess of that normally present in milk; or
- (7) milk or cream contains antibiotics or other bacterial inhibitory substances in amounts above the actionable levels established by rule or under section 32.415.

Sec. 4. Minnesota Statutes 1988, section 32.391, is amended to read:

32.391 [DEFINITIONS; ~~PASTEURIZATION; COOLING AFTER PASTEURIZATION.~~]

Subdivision 1. [~~MILK; SKIM MILK; LOWFAT MILK; FLUID MILK PRODUCTS; GOAT MILK APPLICATION.~~] *The definitions in this section apply to this chapter.*

Subd. 1a. [MILK.] "Milk" is defined as the whole, fresh, clean lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. When prepared for market in final package form for beverage use, milk shall contain not less than 8.7 percent milk solids-not-fat and not less than 3.25 percent of milk fat. The name "milk," unqualified, means cow's milk.

Subd. 1b. [SKIM MILK.] "Skim milk" is milk from which milk fat has been removed so that its milk fat content is less than .25 percent. Skim milk in final package form for beverage use must contain at least nine percent milk solids-not-fat, for a total of at least 9.25 percent milk solids. Skim milk may be homogenized.

Subd. 1c. [LOWFAT MILK.] "Lowfat milk" is milk from which milk fat has been removed so that its milk fat content is ~~either one or from one-half to~~ two percent, within limits of good manufacturing practices. Lowfat milk in final package form for beverage use must contain at least ten percent milk solids-not-fat. Lowfat milk may be homogenized.

Milk solids-not-fat may be added to fluid milk products to meet the above standards from the following sources: partially-skimmed milk, skim milk, concentrated partially-skimmed milk, concentrated skim milk, and nonfat dry milk, used alone or in any combination.

Subd. 1d. [MILK SOLIDS-NOT-FAT.] "Milk solids-not-fat" is the portion of a milk product that is not water and is not fat as determined by procedures outlined in Standard Methods For The Examination Of Dairy Products (~~fifteenth~~ current edition).

Subd. 1e. [FLUID MILK PRODUCTS.] "Fluid milk products" ~~shall be taken to mean and include~~ means cream, sour cream, half and half, reconstituted half and half, concentrated milk, concentrated milk products, skim milk, nonfat milk, chocolate flavored milk, chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, homogenized milk, and any other fluid milk product made by the addition of any substance to milk or to any of the above enumerated fluid milk products, when the same is declared to be a fluid milk product by rule promulgated by the commissioner.

Subd. 1f. [GOAT MILK.] "Goat milk" is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy goats.

Subd. 1g. [SHEEP MILK.] "Sheep milk" is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy sheep.

Subd. 2. [PASTEURIZATION.] (a) The terms "pasteurization," "pasteurized," and similar terms ~~shall be taken to refer (a) to mean:~~

(1) the process of heating every particle of milk, fluid milk products, ~~or~~ goat milk, ~~or~~ sheep milk, in properly operated equipment approved by the commissioner, to a temperature of ~~at least 143~~ 145 degrees Fahrenheit and holding ~~such~~ the temperature for at least 30 minutes; ~~or (b) to:~~

(2) the process of heating every particle of milk, fluid milk products, ~~or~~ goat milk, ~~or~~ sheep milk, in properly operated equipment approved by the commissioner, to a temperature of at least 161 degrees Fahrenheit and

holding ~~such~~ the temperature for at least 15 seconds, ~~or (c) to; or~~

(3) the process of heating every particle of milk, fluid milk products, ~~or goat milk, or sheep milk,~~ in properly operated equipment approved by the commissioner, to ~~such~~ the temperatures and holding for ~~such~~ the times as the commissioner may prescribe by rule adopted in accordance with law containing standards more stringent than those imposed by this subdivision.

(b) Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Subd. 3. [COOLING AFTER PASTEURIZATION.] Immediately following pasteurization, all milk, fluid milk products ~~and, goat milk, and sheep milk~~ shall be cooled, in properly operated equipment approved by the commissioner, to a temperature of ~~50~~ 45 degrees Fahrenheit or lower, and maintained at ~~50~~ 45 degrees Fahrenheit or lower until delivered; provided, however, that if the milk, fluid milk products, ~~or goat milk, or sheep milk~~ is to be cultured immediately after pasteurization, then such cooling may be delayed until after the culturing process is completed; provided further that the commissioner may prescribe by rule adopted in accordance with law standards more stringent than those imposed by this subdivision.

Sec. 5. Minnesota Statutes 1988, section 32.393, is amended to read:
32.393 [LIMITATION ON SALE.]

Subdivision 1. [PASTEURIZATION.] No milk, fluid milk products, ~~or goat milk, or sheep milk~~ shall be sold, advertised, offered or exposed for sale or held in possession for sale for the purpose of human consumption in fluid form in this state unless the same has been pasteurized and cooled, as defined in section 32.391; provided, that this section shall not apply to milk, cream, skim milk, ~~or goat milk, or sheep milk~~ occasionally secured or purchased for personal use by any consumer at the place or farm where the milk is produced.

Subd. 2. [LABELS.] All pasteurized milk, fluid milk products, ~~or goat milk, or sheep milk~~ sold, offered or exposed for sale or held in possession for sale shall be labeled or otherwise designated as pasteurized milk, pasteurized fluid milk products, ~~or pasteurized goat milk, or pasteurized sheep milk,~~ and in case of pasteurized fluid milk products the label shall also state the name of the specific product.

Sec. 6. Minnesota Statutes 1988, section 32.394, subdivision 1, is amended to read:

Subdivision 1. [GRADE A PASTEURIZED BACTERIA COUNTS.] Grade A pasteurized milk, fluid milk products and goat milk are Grade A raw milk, fluid milk products and goat milk for pasteurization which have been pasteurized, cooled and prepared for distribution in a dairy plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds ~~30,000~~ 20,000 bacteria per milliliter, standard plate count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, ~~except that such average may be over 30,000 bacteria per milliliter if the last individual result is 30,000 bacteria per milliliter or lower, and not more than one of the last four coliform counts of which shall exceed 10 per milliliter unless the last individual result is 10 per milliliter or lower; provided, that. The coliform count must not exceed ten per milliliter except~~

that bulk tank transport shipments must not exceed 100 per milliliter. The standard plate count standard shall be omitted in the case of sour cream, cultured buttermilk, other cultured fluid milk products and cultured goat milk; provided further that the commissioner may prescribe standards and rules adopted in accordance with law more stringent than those imposed by this subdivision.

Sec. 7. Minnesota Statutes 1988, section 32.394, subdivision 2, is amended to read:

Subd. 2. [GRADE A RAW BACTERIA COUNTS.] Grade A raw milk or goat milk for pasteurization purposes is raw milk or goat milk which complies with all the requirements for its production, the bacterial count of which does not exceed ~~200,000~~ 100,000 bacteria per milliliter, ~~standard plate count or direct microscopic clump count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 200,000 bacteria per milliliter if the last individual result is 200,000 bacteria per milliliter or lower; provided that prior to commingling with other producer milk at which time the bacteria count must not exceed 300,000 per milliliter prior to pasteurization.~~ The commissioner may prescribe standards and rules adopted in accordance with law more stringent than those imposed by this subdivision.

Sec. 8. Minnesota Statutes 1988, section 32.394, subdivision 4, is amended to read:

Subd. 4. [RULES.] The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

In the exercise of the authority to establish requirements for Grade A milk, milk products and goat milk, the commissioner may adopt definitions, standards of identity, and requirements for production and processing ~~recommended by contained in the "Grade A Pasteurized Milk Ordinance"~~ of the United States ~~public health service~~ Department of Health and Human Services, in a manner provided for and not in conflict with law.

Sec. 9. Minnesota Statutes 1988, section 32.394, is amended by adding a subdivision to read:

Subd. 8c. [GRADE A OR MANUFACTURING GRADE RAW MILK.] *Grade A or manufacturing grade raw milk must not have been stored longer than 72 hours when it is picked up at the farm by the receiving plant. On farms permitted or certified for bulk tank storage, the milk may only be picked up from approved bulk milk tanks in proper working order.*

Sec. 10. Minnesota Statutes 1988, section 32.415, is amended to read:
32.415 [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

~~In order~~ (a) *The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:*

(a) (1) *inspections of producers shall begin not later than January 1,*

1984;

(b) (2) producers shall comply with the standards not later than July 1, 1985, except as otherwise allowed under the standards; and

(e) (3) the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs. ~~The commissioner may adopt rules, including emergency rules, for the purpose of this clause.~~

(b) The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner of agriculture shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section."

Delete the title and insert:

"A bill for an act relating to agriculture; adopting federal fishery product regulations as state rules for state inspections; providing sanctions for refusal to allow certain dairy inspections; providing laboratory procedures by rule for certain milk and cream testing; defining sheep milk; prescribing pasteurization and certain labeling for sheep milk; prescribing bacteria counts for certain dairy products; amending Minnesota Statutes 1988, sections 32.21, subdivision 3; 32.391; 32.393; 32.394, subdivisions 1, 2, 4, and by adding a subdivision; 32.415; Minnesota Statutes 1989 Supplement, sections 31.101, by adding a subdivision; and 32.103."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H.F. No. 1927: A bill for an act relating to traffic regulations; regulating approaches of vehicles to certain intersections; amending Minnesota Statutes 1988, section 169.20, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 169.041, subdivision 4, is amended to read:

Subd. 4. [TOWING ALLOWED.] A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;

- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane where parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking at least 24 hours in advance;
- (8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping; ~~or~~
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses; *or*
- (14) *the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs."*

Page 1, line 14, delete "*none*" and insert "*neither*" and delete "*are*" and insert "*is a*" and delete the second "*highways*" and insert "*highway*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing immediate towing of vehicles unlawfully parked in taxicab zones;"

Page 1, line 4, after "1" insert "; Minnesota Statutes 1989 Supplement, section 169.041, subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 2212: A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a and 6; and 171.071; Minnesota Statutes 1989 Supplement, section 171.07, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 3, after line 26, insert:

"Sec. 6. Minnesota Statutes 1989 Supplement, section 171.18, is amended to read:

171.18 [SUSPENSION.]

The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which the licensee was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22; or

(9) Has failed to appear in court as provided in section 169.92, subdivision 4; or

(10) has failed to report a medical condition that if reported would have resulted in cancellation of driving privileges.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon, and the licensee's written request shall afford the licensee an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "allowing commissioner to suspend a driver's license for failure to report certain medical conditions;"

Page 1, line 6, delete "section" and insert "sections" and after "3" insert "; and 171.18"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 2084: A bill for an act relating to motor vehicles; providing for temporary permit while awaiting delivery of special vehicle license plates; requiring registered owner of motor vehicle to list address of primary residence on application for registration; clarifying when inspection fee must be paid to receive certificate of inspection for salvage vehicle; clarifying disclosure requirements for motor vehicle pollution control system; amending Minnesota Statutes 1988, sections 168.09, by adding a subdivision; 168.10, subdivision 1; and 325E.0951, subdivision 3a; Minnesota Statutes 1989 Supplement, section 168A.152, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete "*Notwithstanding any law to the contrary,*"

Page 1, line 20, after "168.123;" insert "168.124;"

Page 1, line 28, delete "as" and insert "*prescribed by*" and delete "may"

Page 1, line 29, delete "*determine*" and delete the comma

Page 2, line 2, delete "*Each*" and insert "*The*" and after "*which*" insert "*it was*"

Page 3, line 16, reinstate the stricken "*before the department*" and delete "*after*" and insert "*issues a certificate of title for a vehicle that has been inspected and for which a certificate of inspection has been issued pursuant to*"

Page 3, line 17, delete the new language and strike "inspection under"

Page 3, line 18, delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 2356: A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; allowing regional development commissions to receive state financial assistance for public transit programs; increasing scope of interstate motor carrier registration agreements; amending Minnesota Statutes 1988, sections 161.315, subdivisions 2 and 3; 174.24, subdivision 2; 174.32, subdivision 3; Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 5, after "(4)" insert "*when*" and delete "*who*"

Page 3, lines 7 and 8, delete "*formed to do business as a contractor, subcontractor, or material supplier*"

Page 3, line 9, delete "*it*" and insert "*the entity*" and delete "*was*" and insert "*is*" and delete "*from*"

Page 3, line 10, delete "*contracting*" and insert "*to contract*" and delete "*shall remain*" and insert "*the sold or transferred entity remains*"

Page 3, line 11, delete "*from obtaining*" and insert "*for*" and delete "*debarment*"

Page 3, delete line 12 and insert "*seller's or transferor's debarment.*"

Page 3, delete sections 3 and 4

Page 4, line 3, after "*enter*" insert "*into*"

Page 4, line 9, before "*cancellation*" insert "*insurance*"

Page 4, lines 10 and 11, delete "*suspend and reinstate carriers*" and insert "*issue suspension and reinstatement orders or notices*"

Page 4, line 25, delete "*5*" and insert "*3*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "*allowing regional*"

Page 1, delete line 5

Page 1, line 6, delete everything before "*increasing*"

Page 1, line 8, delete "*sections*" and insert "*section*"

Page 1, line 9, delete everything after "*3;*"

Page 1, line 10, delete "*174.32, subdivision 3;*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 2147: A bill for an act relating to transportation; exempting fertilizer and agricultural chemical retailers from certain regulations on transporting hazardous materials; amending Minnesota Statutes 1988, section 221.033, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURAL EXEMPTIONS.] (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the commissioner's rules for *driver qualifications and safety of operations and equipment*, except as provided in paragraph (b).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference."

Page 1, line 26, delete everything after "employees" and insert "are exempt from the rule of the commissioner requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

Fertilizer and agricultural chemical retailers or their employees are also exempt, during the period from April 1 to June 1, from the commissioner's rules governing maximum hours of service of drivers, when transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location."

Page 2, delete lines 1 to 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "making certain private carriers subject to driver qualification rules;"

Page 1, line 6, after "2" insert "; Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1905: A bill for an act relating to human services; clarifying the definition of mentally retarded person in the Minnesota Commitment Act; amending Minnesota Statutes 1988, section 253B.02, subdivision 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 253B.12, subdivision 4, is amended to read:

Subd. 4. [HEARING; STANDARD OF PROOF] The committing court shall not make a final determination of the need to continue commitment unless a hearing is held and the court finds by clear and convincing evidence that (1) the person continues to be mentally ill, mentally retarded or chemically dependent; (2) involuntary commitment is necessary for the protection of the patient or others; and (3) there is no alternative to involuntary commitment.

In determining whether a person continues to be mentally ill, *mentally retarded*, or *chemically dependent*, the court need not find that there has been a recent attempt or threat to physically harm self or others, or a recent

failure to provide necessary personal food, clothing, shelter, or medical care. Instead, the court must find that the patient is likely to attempt to physically harm self or others, or to fail to provide necessary personal food, clothing, shelter, or medical care unless involuntary commitment is continued.

Sec. 3. Minnesota Statutes 1988, section 253B.23, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the court of appeals from any order entered under this chapter as in other civil cases.

Upon perfection of the appeal, the return shall be filed forthwith. The court of appeals shall hear the appeal within 45 60 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the court of appeals."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "clarifying findings needed in a hearing on continued commitment; increasing the time within which commitment appeals must be heard;"

Page 1, line 5, delete "section" and insert "sections" and before the period, insert "; 253B.12, subdivision 4; and 253B.23, subdivision 7"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 1995: A bill for an act relating to insurance; property and casualty; requiring compensation to certain agents upon termination; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [60A.176] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 1 and 2.

Subd. 2. [AGENCY.] "Agency" means an agency contractual relationship that has been in effect five years or more.

Subd. 3. [AGENT.] "Agent" means an agent who is not an employee of the insurer and who writes 80 percent or more of the agent's business through one insurer or its subsidiaries.

Subd. 4. [INSURER.] "Insurer" means an insurance company writing property or casualty loss insurance in this state through agents.

Sec. 2. [60A.177] [INVOLUNTARY TERMINATION OF AN AGENT BY THE INSURER.]

Subdivision 1. [TERMINATION REVIEW PROCESS.] An insurer shall establish a termination review process for an agent involuntarily terminated by the insurer. The review process is available for use at the option of the agent. The review process must be completed within 15 days of the

request or before the date of termination, whichever is later.

Subd. 2. [NOTICE; HEARING.] If an agent is terminated by an insurer, the agent may request a hearing before the board of review. If an insurer initiates the termination of an agent's agreement, the written notice of termination must advise the agent of the agent's right to a hearing before the board of review. Upon receipt of an agent's request for a hearing, the commissioner shall establish a hearing date within 30 days of the request or longer with the approval of the agent and the insurer. The agent and the insurer shall be notified in writing of the date, time, and place of the hearing.

Subd. 3. [BOARD OF REVIEW.] A three-member board of review shall be selected from a list of ten agents and ten insurer representatives compiled by the commissioner. One member shall be selected by the agent, one by the insurer, and one by the commissioner. The board member selected by the agent may not be a relative of the agent. The board members selected by the agent and insurer may not be presently or formerly associated with an insurer represented by the agent. An insurer is immune from civil liability to the agent for disclosures made at the hearing. This immunity does not extend to disclosures made in bad faith or with knowledge of their falseness.

Subd. 4. [BOARD'S DETERMINATION.] Upon completion of the hearing, the board of review shall determine if the termination of the agent's agreement is justified. If in the opinion of the board of review an involuntary termination is not justified, and in the absence of a reasonable contractual financial provision for termination as determined by the commissioner, the commissioner shall order the insurer to pay an amount of compensation that the commissioner considers appropriate to the agent.

If in the opinion of the board of review a voluntary termination was not voluntary and the insurer is not justified in terminating the agent's agreement, and in the absence of a reasonable contractual financial provision for termination as determined by the commissioner, the commissioner shall order the insurer to pay an amount of compensation that the commissioner considers appropriate to the agent.

Subd. 5. [APPEAL.] An order of the commissioner under subdivision 4 may be appealed to district court by either party for a trial de novo. If the insurer appeals and the agent prevails, the insurer is responsible for the agent's legal fees as approved by the court.

Subd. 6. [CIVIL PENALTY.] A person who intimidates or coerces a member of the board of review is subject to a civil penalty imposed by the commissioner in an amount not to exceed \$25,000.

Subd. 7. [EXEMPTION.] This section does not apply to an agent whose license has expired, is revoked, or is currently under suspension.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "termination" and insert "regulating terminations of agents; prescribing a penalty"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2407 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2407	2481				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2407 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2407 and insert the language after the enacting clause of S.F. No. 2481, the first engrossment; further, delete the title of H.F. No. 2407 and insert the title of S.F. No. 2481, the first engrossment.

And when so amended H.F. No. 2407 will be identical to S.F. No. 2481, and further recommends that H.F. No. 2407 be given its second reading and substituted for S.F. No. 2481, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2336 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2336	1890				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2002 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
2002	1967

CONSENT CALENDAR

H.F. No.	S.F. No.
----------	----------

CALENDAR

H.F. No.	S.F. No.
----------	----------

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2650 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
----------	----------

CONSENT CALENDAR

H.F. No.	S.F. No.
----------	----------

CALENDAR

H.F. No.	S.F. No.
----------	----------

2650	2455
------	------

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2650 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2650 and insert the language after the enacting clause of S.F. No. 2455, the first engrossment; further, delete the title of H.F. No. 2650 and insert the title of S.F. No. 2455, the first engrossment.

And when so amended H.F. No. 2650 will be identical to S.F. No. 2455, and further recommends that H.F. No. 2650 be given its second reading and substituted for S.F. No. 2455, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1785 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
----------	----------

CONSENT CALENDAR

H.F. No.	S.F. No.
----------	----------

CALENDAR

H.F. No.	S.F. No.
----------	----------

1785	2141
------	------

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1785 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1785 and insert the language after the enacting clause of S.F. No. 2141, the first engrossment; further, delete the title of H.F. No. 1785 and insert the title of S.F. No. 2141, the first engrossment.

And when so amended H.F. No. 1785 will be identical to S.F. No. 2141, and further recommends that H.F. No. 1785 be given its second reading

and substituted for S.F. No. 2141, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2508 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2508	2314				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2645 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2645	2549				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1850, 2541, 2384, 2421, 1986, 2072, 2355, 1955, 1936, 1937, 2026, 2297, 1770, 1902, 2212, 2084, 2356, 2147, 1905 and 1995 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2149, 1893, 1989, 1927, 2407, 2336, 2002, 2650, 1785, 2508 and 2645 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Piepho be added as a co-author to S.F. No. 2278. The motion prevailed.

Mr. Marty moved that the name of Mr. Diessner be added as a co-author to S.F. No. 2391. The motion prevailed.

Mr. Bertram introduced —

Senate Resolution No. 165: A Senate resolution congratulating the Paynesville High School Wrestling Team for winning the 1990 State High School Class A Wrestling Tournament.

Referred to the Committee on Rules and Administration.

CALENDAR

H.F. No. 2143: A bill for an act relating to crimes; defining "crime" for purposes of crime victims reparations; amending Minnesota Statutes 1988, section 611A.52, subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.E.	McQuaid	Pogemiller
Anderson	DeCramer	Johnson, D.J.	Mehrkins	Ramstad
Beckman	Dicklich	Knaak	Merriam	Renneke
Belanger	Diessner	Knutson	Metzen	Samuelson
Benson	Flynn	Kroening	Moe, R.D.	Schmitz
Berg	Frank	Laidig	Morse	Spear
Bernhagen	Frederick	Langseth	Olson	Storm
Bertram	Frederickson, D.J.	Lantry	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Larson	Pehler	Vickerman
Brataas	Freeman	Lessard	Peterson, R.W.	Waldorf
Cohen	Gustafson	Luther	Piepho	
Dahl	Hughes	McGowan	Piper	

So the bill passed and its title was agreed to.

S.F. No. 1752: A bill for an act relating to railroads; establishing standard for abandonment of tracks; clarifying standard for abandonment of shops, terminals, and stations; amending Minnesota Statutes 1988, sections 219.681; 219.71; and 219.85.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Hughes	McGowan	Piper
Anderson	Decker	Johnson, D.E.	McQuaid	Pogemiller
Beckman	DeCramer	Johnson, D.J.	Mehrkins	Purfeerst
Belanger	Dicklich	Knaak	Merriam	Ramstad
Benson	Diessner	Knutson	Metzen	Renneke
Berg	Flynn	Kroening	Moe, R.D.	Samuelson
Bernhagen	Frank	Laidig	Morse	Schmitz
Bertram	Frederick	Langseth	Olson	Spear
Brandl	Frederickson, D.J.	Lantry	Pariseau	Storm
Brataas	Frederickson, D.R.	Larson	Pehler	Stumpf
Cohen	Freeman	Lessard	Peterson, R.W.	Vickerman
Dahl	Gustafson	Luther	Piepho	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 1555: A bill for an act relating to fees; providing for fees charged by county recorder; amending Minnesota Statutes 1988, section 357.18, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Mehrkens	Purfeerst
Anderson	DeCramer	Knaak	Merriam	Ramstad
Beckman	Dicklich	Knutson	Metzen	Renneke
Belanger	Diessner	Kroening	Moe, D.M.	Samuelson
Benson	Flynn	Laidig	Moe, R.D.	Schmitz
Berg	Frank	Langseth	Morse	Spear
Bernhagen	Frederick	Lantry	Olson	Storm
Bertram	Frederickson, D.J.	Larson	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Lessard	Pehler	Vickerman
Brataas	Freeman	Luther	Peterson, R.W.	Waldorf
Cohen	Gustafson	Marty	Piepho	
Dahl	Hughes	McGowan	Piper	
Davis	Johnson, D.E.	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 1686: A bill for an act relating to education; allowing school boards to hold school on Saturdays; amending Minnesota Statutes 1988, section 126.12, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Mehrkens	Purfeerst
Anderson	DeCramer	Knaak	Merriam	Ramstad
Beckman	Dicklich	Knutson	Metzen	Renneke
Belanger	Diessner	Kroening	Moe, D.M.	Samuelson
Benson	Flynn	Laidig	Moe, R.D.	Schmitz
Berg	Frank	Langseth	Morse	Spear
Bernhagen	Frederick	Lantry	Olson	Storm
Bertram	Frederickson, D.J.	Larson	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Lessard	Pehler	Vickerman
Brataas	Freeman	Luther	Peterson, R.W.	Waldorf
Cohen	Gustafson	Marty	Piepho	
Dahl	Hughes	McGowan	Piper	
Davis	Johnson, D.E.	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 2048: A bill for an act relating to education; clarifying legislative intent concerning corporal punishment; amending Minnesota Statutes 1989 Supplement, section 127.45.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Mehrkens	Purfeerst
Anderson	DeCramer	Knaak	Merriam	Ramstad
Beckman	Dicklich	Knutson	Metzen	Renneke
Belanger	Diessner	Kroening	Moe, D.M.	Samuelson
Benson	Flynn	Laidig	Moe, R.D.	Schmitz
Berg	Frank	Langseth	Morse	Spear
Bernhagen	Frederick	Lantry	Olson	Storm
Bertram	Frederickson, D.J.	Larson	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Lessard	Pehler	Vickerman
Brataas	Freeman	Luther	Peterson, R. W.	Waldorf
Cohen	Gustafson	Marty	Piepho	
Dahl	Hughes	McGowan	Piper	
Davis	Johnson, D.E.	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 1886: A bill for an act relating to agriculture; establishing the Minnesota forage task force.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Mehrkens	Purfeerst
Anderson	DeCramer	Knaak	Merriam	Ramstad
Beckman	Dicklich	Knutson	Metzen	Renneke
Belanger	Diessner	Kroening	Moe, D.M.	Samuelson
Benson	Flynn	Laidig	Moe, R.D.	Schmitz
Berg	Frank	Langseth	Morse	Spear
Bernhagen	Frederick	Lantry	Olson	Storm
Bertram	Frederickson, D.J.	Larson	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Lessard	Pehler	Vickerman
Brataas	Freeman	Luther	Peterson, R. W.	Waldorf
Cohen	Gustafson	Marty	Piepho	
Dahl	Hughes	McGowan	Piper	
Davis	Johnson, D.E.	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 1870: A bill for an act relating to horse racing; increasing per diem rate for racing commissioners; requiring licenses for pari-mutuel clerks at county fairs; apportioning money for promotion of the breeding and racing industry; allowing supervision of administration of certain medications by designated persons; prohibiting acceptance of bets by telephone; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1988, sections 240.02, subdivision 3; 240.09, subdivision 2; 240.13, subdivision 8; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	McQuaid	Pogemiller
Anderson	Dicklich	Knaak	Mehrkens	Purfeerst
Beckman	Diessner	Knutson	Metzen	Ramstad
Belanger	Flynn	Kroening	Moe, D.M.	Reichgott
Benson	Frank	Laidig	Moe, R.D.	Renneke
Berg	Frederick	Langseth	Morse	Samuelson
Bernhagen	Frederickson, D.J.	Lantry	Olson	Schmitz
Brataas	Frederickson, D.R.	Larson	Pariseau	Spear
Cohen	Freeman	Lessard	Pehler	Storm
Dahl	Gustafson	Luther	Peterson, R.W.	Stumpf
Davis	Hughes	Marty	Piepho	Vickerman
Decker	Johnson, D.E.	McGowan	Piper	

Messrs. Bertram, Brandl, Merriam and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1729: A bill for an act relating to traffic regulations; requiring motorists to activate vehicle lights during inclement weather conditions; amending Minnesota Statutes 1988, section 169.48.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	McQuaid	Pogemiller
Anderson	DeCramer	Knaak	Mehrkens	Purfeerst
Beckman	Dicklich	Knutson	Metzen	Ramstad
Belanger	Diessner	Kroening	Moe, D.M.	Reichgott
Benson	Flynn	Laidig	Moe, R.D.	Renneke
Bernhagen	Frank	Langseth	Morse	Samuelson
Bertram	Frederick	Lantry	Olson	Schmitz
Brandl	Frederickson, D.J.	Larson	Pariseau	Spear
Brataas	Frederickson, D.R.	Lessard	Pehler	Storm
Cohen	Freeman	Luther	Peterson, R.W.	Stumpf
Dahl	Gustafson	Marty	Piepho	Vickerman
Davis	Johnson, D.E.	McGowan	Piper	Waldorf

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Pehler in the chair.

After some time spent therein, the committee arose, and Mr. Pehler reported that the committee had considered the following:

S.F. Nos. 2046, 1879, 1980, 1927, 2090, 2172, 2281, 2208, 2039, 1920, 2079, 2264, 1551, 1768, 1726, 2119, 2373, 2179, 2024, 1162, 2424, 2381, 2224, 2216, 2302, 2229, 1739, 1983, 1897, 838, 1150, 1968, 2354, 2159, 1822 and H.F. Nos. 2188, 1895, which the committee recommends to pass.

S.F. No. 1753, which the committee recommends be re-referred to the Committee on Judiciary.

S.F. No. 1851, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 1, line 11, delete everything after the period

Page 1, delete line 12

Page 1, line 13, delete everything before the second "The"

The motion prevailed. So the amendment was adopted.

S.F. No. 2092, which the committee recommends to pass with the following amendment offered by Mr. Johnson, D.J.:

Page 2, after line 4, insert:

"Sec. 2. Laws 1988, chapter 645, section 2, is amended to read:

Sec. 2. [OFFICERS.]

Notwithstanding Minnesota Statutes, section 447.32, subdivision 1, the hospital district created under this act shall be governed by a board composed of one member elected from each city and town in the district, two members ~~elected at large from~~ *appointed by the St. Louis county board to represent* the aggregate of the unorganized townships in St. Louis county listed in section 1, subdivision 1, and one member ~~elected at large from~~ *appointed by the Koochiching county board to represent* the aggregate of the unorganized townships in Koochiching county listed in section 1, subdivision 2.

Sec. 3. [CONTINUATION OF EFFECT.]

Notwithstanding Minnesota Statutes, section 645.021, subdivision 3, Laws 1988, chapter 645, is not deemed to be disapproved because of a failure by one or more governmental units to comply with the filing requirements of Minnesota Statutes, section 645.021, subdivision 3, if those requirements are met by January 8, 1991.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2127, which the committee recommends to pass with the following amendment offered by Mr. Bernhagen:

Page 2, line 18, delete everything after "transportation"

Page 2, delete lines 19 to 21 and insert "*should consider the use of trees in place of solid noise walls to the maximum extent practical.*"

Page 2, line 32, after "require" insert "*of the developer*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1104, which the committee reports progress, subject to the following motion:

Mr. Laidig moved to amend S.F. No. 1104 as follows:

Page 3, line 8, after the period, insert "*Anatomical gift does not include donation of all or part of an unborn child or newborn child who has been the subject of an induced abortion.*"

"Induced abortion" means the termination of the pregnancy of a woman known to be pregnant, if the termination is intended to accomplish something other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn

child.

Use of all or part of a human body of an unborn child or newborn child who has been the subject of an induced abortion is prohibited."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 42 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McGowan	Renneke
Anderson	Davis	Johnson, D.J.	McQuaid	Samuelson
Beckman	DeCramer	Knutson	Mehrkens	Schmitz
Belanger	Frank	Kroening	Merriam	Stumpf
Benson	Frederick	Laidig	Metzen	Vickerman
Bernhagen	Frederickson, D.J.	Langseth	Olson	Waldorf
Bertram	Frederickson, D.R.	Lantry	Pariseau	
Brandl	Gustafson	Larson	Pehler	
Chmielewski	Hughes	Lessard	Piepho	

Those who voted in the negative were:

Berglin	Diessner	Marty	Pogemiller	Storm
Brataas	Flynn	Morse	Purfeerst	
Cohen	Freeman	Novak	Ramstad	
Decker	Knaak	Peterson, R. W.	Reichgott	
Dicklich	Luther	Piper	Spear	

The motion prevailed. So the amendment was adopted.

S.F. No. 1104 was then progressed.

S.F. No. 772, which the committee recommends to pass with the following amendment offered by Mrs. Pariseau:

Page 2, after line 1, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective November 15, 1990."

The motion prevailed. So the amendment was adopted.

S.F. No. 2383, which the committee recommends to pass with the following amendment offered by Mr. Knaak:

Page 1, delete sections 1 and 2

Page 1, delete line 23 and insert:

"Section 1. [465.79] [ESTABLISHMENT OF BOUNDARY COMMISSION.]"

Page 2, line 1, delete "*the city of Upsala*" and insert "*a statutory or home rule charter city*"

Page 2, line 2, delete "*Morrison*" and insert "*the*" and after "*county*" insert "*or counties in which the city is located*"

Page 2, line 14, delete "*Upsala*"

Page 2, line 21, delete "*in Morrison county*"

Page 2, line 32, delete "*of Upsala*"

Pages 2 and 3, delete section 4

Amend the title as follows:

Page 1, line 2, delete "the city of Upsala" and insert "cities"

Page 1, line 3, delete "a" and delete "commission" and insert "commissions; proposing coding for new law in Minnesota Statutes, chapter 465"

The motion prevailed. So the amendment was adopted.

S.F. No. 2267, which the committee recommends to pass with the following amendment offered by Mr. Benson:

Page 1, line 7, after "mandate," insert "or" and after "require" delete the comma

Page 1, line 8, delete "or suggest to" and delete "that the peace officer" and insert "to"

The motion prevailed. So the amendment was adopted.

H.F. No. 951, which the committee recommends to pass with the following amendment offered by Mr. Dicklich:

Amend H.F. No. 951, the unofficial engrossment, as follows:

Page 4, after line 2, insert:

"Recovery of costs under clause (4) may be made only from the class of customers to which the rate is offered and not from residential customers."

Page 4, line 30, delete "any other provision of this chapter" and insert "section 216B.03, 216B.05, 216B.06, 216B.07, or 216B.16"

Page 7, line 31, delete "commission's" and insert "department's"

The motion prevailed. So the amendment was adopted.

S.F. No. 1670, which the committee recommends to pass with the following amendment offered by Mr. McGowan:

Page 1, after line 17, insert:

"Subd. 3. [LAUNCHING OF WATERCRAFT WITH EURASIAN WATER MILFOIL PROHIBITED.] A person may not place a trailer or launch a watercraft with Eurasian water milfoil attached into a body of water. A conservation officer or other licensed peace officer may prevent a trailer or watercraft with Eurasian water milfoil attached from being placed or launched into a body of water."

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

S.F. No. 2153, which the committee recommends to pass with the following amendment offered by Mr. Marty:

Page 1, line 11, delete "aggregate"

Page 2, line 29, delete "aggregate"

The motion prevailed. So the amendment was adopted.

S.F. No. 2115, which the committee recommends to pass with the following amendment offered by Mr. Schmitz:

Page 2, lines 27 and 28, delete "an act or omission, or performance or failure to perform," and insert "a discretionary duty"

Page 2, line 29, delete "*clauses (a) and (b)*" and insert "*clause (b)*"

Page 2, delete line 30 and insert "*subdivision 6.*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Pogemiller introduced—

S.F. No. 2594: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; amending Minnesota Statutes 1988, sections 462C.07, by adding a subdivision; 469.155, by adding a subdivision; 475.66, subdivision 3; and 475.67, subdivision 8; Minnesota Statutes 1989 Supplement, sections 400.101; 473.811, subdivision 2; and 475.60, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Economic Development and Housing.

Mr. Dicklich introduced—

S.F. No. 2595: A bill for an act relating to public employees; authorizing certain employees to vote on a contract affecting them; amending Minnesota Statutes 1989 Supplement, section 179A.06, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Pogemiller introduced—

S.F. No. 2596: A bill for an act relating to alcoholic beverages; authorizing cities and counties to issue licenses permitting on-sale of alcoholic beverages during certain hours when on-sale is otherwise prohibited; amending Minnesota Statutes 1988, section 340A.504, subdivisions 1 and 6; Minnesota Statutes 1989 Supplement, section 340A.504, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 349.

Referred to the Committee on Commerce.

Mr. Stumpf introduced—

S.F. No. 2597: A bill for an act relating to state government; regulating hospital and medical benefits for employees and other eligible persons; allowing non-network providers to participate in the plan of coverage; amending Minnesota Statutes 1988, section 43A.23, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S.F. No. 2598: A bill for an act relating to recreational vehicles; exempting from registration all-terrain vehicles that are used exclusively for private agricultural use or exclusively on private lands; amending Minnesota Statutes 1989 Supplement, sections 84.922, subdivisions 1a and 5; and 84.928,

subdivision 1; repealing Minnesota Statutes 1989 Supplement, section 84.922, subdivision 2a.

Referred to the Committee on Environment and Natural Resources.

Messrs. Hughes and Moe, R.D. introduced—

S.F. No. 2599: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; removing references to legislative days.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Mr. Solon was excused from the Session of today. Mr. Chmielewski and Ms. Berglin were excused from the Session of today from 11:00 a.m. to 12:00 noon. Ms. Reichgott was excused from the Session of today from 11:00 to 11:45 a.m. Messrs. Knaak and Ramstad were excused from the Session of today from 1:50 to 2:50 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, March 20, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate